

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO:
TRACK TWO SETTLEMENT

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**DECLARATION OF DANIEL COGGESHALL REGARDING
TRACK TWO SUPPLEMENTAL NOTICE**

The undersigned, Daniel Coggeshall, hereby states that:

1. I submit this Declaration in order to provide the Court and the parties to the above-captioned litigation with information regarding the mailing of the Supplemental Notices approved by the Court in its Order Directing Notice of Track Two Settlement Revision to Affected Class Members and Scheduling Fairness Hearing (Dkt. No. 7772) (the “Supplemental Notice Order”).

2. I am a Senior Project Administrator at Rust Consulting, Inc. (“Rust”) f/k/a Complete Claim Solutions. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein, and if called as a witness, could and would testify competently hereto.

3. Pursuant to the Preliminary Approval Order, Rust was appointed the Claims Administrator to assist in the process of providing notice of the Settlement to potential TPP and Consumer Class Members in the Class 1, 2 and 3 Settlement Classes.

4. On September 16, 2011, pursuant to the Supplemental Notice Order, Rust mailed the Notice of Revision to Proposed Class Action Settlement Involving Certain Drugs (the “TPP Notice”) to 865 TPP Class members who had filed a claim form. A copy of the TPP Notice is attached hereto as Exhibit 1.

5. On September 16, 2011, also pursuant to the Supplemental Notice Order, Rust mailed versions the Notice of Revision to Proposed Class Action Settlement Involving Certain Drugs (the “Consumer Notice”) to 64,158 Class 1 and Class 3 Consumers falling into the following categories: (i) all consumer class members who timely filed claims and whose settlement amount under the revised distribution formula calculated to less than the original settlement amount; (ii) Class 1 consumer claimants whose CMS data indicates an administration of a drug under the “not otherwise classified” J-Codes J3490 and J8999 or under the J-Codes for Epogen and Eligard and those consumers in Class 3 whose claim forms indicate an administration for Epogen or Eligard; and (iii) those Consumer Class members with payments for Leukine and Novantrone after 2002. Each Consumer Notice was customized for the individual Consumer as described in Exhibit B of the Supplemental Notice Order. Attached hereto as Exhibit 2 is the full version of the Consumer Notice which Rust also made available on the Track 2 Settlement website (www.awptrack2settlement.com).

6. The deadline for receipt of additional requests for exclusion in response to the supplemental Consumer Notice was October 28, 2011. To date, Rust has received 416 exclusion requests from Class 1 members, 289 of which were received after September 16, 2011. To date, Rust has received 245 exclusion requests from Class 3 members, 2 of which were received after September 16, 2011.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/s/ Daniel Coggeshall

Daniel Coggeshall

Dated: November 17, 2011

CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on November 18, 2011, I caused copies of **DECLARATION OF DANIEL COGGESHALL REGARDING TRACK TWO SUPPLEMENTAL NOTICE** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman